

6406. (F.D.C. No. 42494. S. Nos. 50-035/6 P.)

INFORMATION FILED: 11-22-60, N. Dist. Ohio, against Emma Fry, t/a Fry's Truck Stop, Galion, Ohio, and Clyde Kelly (employee).

CHARGE: Between 8-27-59 and 8-31-59, *amphetamine sulfate tablets* were dispensed twice without a prescription.

PLEA: Guilty.

DISPOSITION: 1-13-61. \$500 fine against each defendant.

6407. (F.D.C. No. 42479. S. Nos. 38-097 P, 76-241/3 P, 76-562/3 P.)

INFORMATION FILED: 2-11-60, E. Dist. Mo., against Thurman Wilkerson, also known as Bo Wilkerson, Wyatt, Mo., Ben Hutchison, Cairo, Ill., A.C.D. Medical Supply, Inc., Chicago, Ill., and Vincent J. Zuckerman, also known as James Baxter and Vince Baxter (president and general manager of A.C.D. Medical Supply, Inc.).

CHARGE: The information alleged in count 1 that the defendants did, on 4-8-59, and continuing thereafter to 10-29-59, conspire, combine, and confederate and agree together, and with divers other unknown persons, to commit offenses against the United States, namely, to unlawfully dispense and cause to be dispensed articles of drug consisting of unknown quantities of *amphetamine sulfate tablets* and *amphetamine sulfate capsules* while such drugs were held for sale after shipment in interstate commerce, thereby causing such drugs to become misbranded as follows: 502(b)—the articles failed to bear labels containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; 502(e) (1)—the labels of the articles failed to bear the common or usual name of the articles; 502(f) (1)—the labeling of the articles failed to bear adequate directions for use; and 503(b) (1)—the articles were dispensed without a prescription.

It was alleged further, as a part of the conspiracy, that defendants Wilkerson and Hutchison obtained from defendants A.C.D. Medical Supply, Inc., and Vincent J. Zuckerman, quantities of *amphetamine sulfate tablets* and *amphetamine sulfate capsules* which had been shipped in interstate commerce; and quantities of *amphetamine sulfate tablets* and *amphetamine sulfate capsules* which were fabricated from an amphetamine sulfate ingredient that had been shipped in interstate commerce.

It was alleged further, as a part of the conspiracy, that the defendants sold, and caused to be sold, *amphetamine sulfate tablets* and *amphetamine sulfate capsules* in large quantities, to customers without a physician's prescription; and that in dispensing and making such sales, the defendants delivered the *amphetamine sulfate tablets* and *amphetamine sulfate capsules* to customers in unlabeled and partially labeled bottles, unlabeled paper and plastic bags, and unlabeled cardboard cartons.

It was alleged further, that in pursuance of said conspiracy and to effect the objects thereof, the defendants and their co-conspirators did the following acts:

- (1) On 6-5-59, when a Government agent sought to purchase *amphetamine sulfate tablets*, defendant Ben Hutchison referred this agent to defendant Bo Wilkerson at Wyatt, Mo., to obtain the tablets;
- (2) On 7-14-59, telephone contact was made by defendant Ben Hutchison from his residence at Cairo, Ill., to defendant Vincent J. Zuckerman;
- (3) Between 7-14-59 and 7-20-59, defendant Vincent J. Zuckerman made hotel reservations at the Bismarck Hotel, Chicago, Ill., for defendants Bo Wilkerson and Ben Hutchison;

(4) On 7-20-59, defendants Bo Wilkerson and Ben Hutchison traveled to Chicago, Ill., and obtained unknown quantities of *amphetamine sulfate tablets*;

(5) On 7-22-59, defendant Bo Wilkerson sold to a Government agent, at Wyatt, Mo., without the required prescription, a large quantity of *amphetamine sulfate tablets* in unlabeled containers and had on hand a large supply of *amphetamine sulfate tablets* in unlabeled containers;

(6) On 8-10-59, telephone contact was made by defendant Ben Hutchison from Cairo, Ill., to defendant Vincent J. Zuckerman;

(7) On 8-18-59, defendant Bo Wilkerson dispensed to a Government agent at Wyatt, Mo., without the required prescription, a quantity of *amphetamine sulfate tablets* in unlabeled containers;

(8) On 9-23-59, defendant Bo Wilkerson dispensed to a Government agent, at Wyatt, Mo., without the required prescription, a quantity of *amphetamine sulfate tablets* in unlabeled containers;

(9) Within the period from 4-8-59 to 10-29-59, defendants A.C.D. Medical Supply, Inc., and Vincent J. Zuckerman, caused to be delivered to defendants Bo Wilkerson and Ben Hutchison unknown quantities of *amphetamine sulfate tablets* in labeled and partially labeled bottles and boxes.

The information alleged further, in two other counts, that the defendants, on 4-8-59, caused quantities of *amphetamine sulfate tablets*, which had been shipped in interstate commerce, to be dispensed without a prescription and on 8-5-59, caused quantities of *amphetamine sulfate tablets*, which were manufactured in the State of Missouri from ingredients shipped in interstate commerce, to be dispensed without a prescription.

PLEA: Guilty by all defendants.

DISPOSITION: 4-8-60. A.C.D. Medical Supply, Inc.—\$3,000 fine; Zuckerman—1 year's imprisonment.

5-6-60. Wilkerson and Hutchison were each fined \$2,000, plus costs.

6408. (F.D.C. No. 43258. S. Nos. 1-209 P, 1-244 P, 56-297 P, 56-330 P.)

INFORMATION FILED: 10-27-59, S. Dist. Ga., against Clayton Jones, Helena, Ga.

CHARGE: Between 1-12-59 and 3-10-59, *amphetamine sulfate tablets* were dispensed 4 times without a prescription.

PLEA: Guilty.

DISPOSITION: 1-18-60. \$1,000 fine and probation for 2 years.

6409. (F.D.C. No. 42482. S. Nos. 63-062/6 P, 74-662 P, 74-665/7 P, 74-669/70 P.)

INFORMATION FILED: 10-30-59, N. Dist. Ill., against Robert Rubin Yablon, t/a Sharon Rexall Drugs, Chicago, Ill., Paul Lawrence (a truck driver), and Pola Lawrence.

CHARGE: The information (count 1) alleged that, commencing on 7-19-59 and continuing to the date of the filing of the information, the defendants conspired and agreed with each other and with other unknown persons to commit offenses against the United States with respect to the unlawful dispensing of quantities of amphetamine drugs while held for sale after shipment in interstate commerce, thereby causing the drugs to become misbranded; and that it was a part of the conspiracy for the defendants to purchase large quantities of amphetamine drugs which had been shipped in interstate commerce, to